



IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE

Applicants: Dominique T. M. FRECHON et al.
Serial No.: 09/674,277
Filing Date: February 13, 2001
For: NUCLEOTIDE SEQUENCES FOR THE DETECTION OF
ENTEROHAEMORRHAGIC ESCHERICHIA COLI (EHEC)

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)

Box Missing Parts
Assistant Commissioner of Patents
Washington, D.C. 20231

Attention: APPLICATION BRANCH
MISSING PARTS OF APPLICATION

Sir:

The Notice to File Missing Parts of Non-provisional Application, dated May 23, 2001, indicated that the following items are missing from the above-captioned application:

Oath or Declaration

Surcharge for Providing the Oath or Declaration

However, Applicant respectfully submits that the Declaration was filed on February 13, 2001, and the Surcharge for providing the Oath or Declaration was paid with the originally filed application on October 30, 2000, accompanied by a check in the amount of \$990.00 which included the surcharge fee of \$130.00. A copy of each paper filed is attached hereto, along with a copy of the date-stamped postcards evidencing receipt of these papers and the check in the PTO.

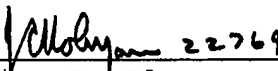
Appln. No.: 09/674,277

The Commissioner is hereby authorized to debit or credit any fees set forth in §1.16 or §1.17 to Deposit Account No. 06-1358 as needed in order to effect proper filing of the application. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

 22769
for William E. Player
Reg. No. 31,409

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

Atty. Docket No.: P66034US0
Date: July 23, 2001
WEP/vjb



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674277	FRECHON	D P66034US0
		INTERNATIONAL APPLICATION NO.
		PCT/FR99/01000

JACOBSON PRICE HOLMAN & STERN
THE JENIFER BUILDING
400 SEVENTH STREET N W
WASHINGTON, DC 20004 2201

I.A. FILING DATE	PRIORITY DATE
27 APR 99	28 APR 98

DATE MAILED:

23 MAY 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

JACOBSON HOLMAN PLLC
Response Due On Or Before
7/23/01
Month Day Year2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- | |
|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). |

4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.Enclosed: ☐ PCT/DO/EO/917
☐ PTO-875☐ Notice of Defective Translation
☒ PCT/DO/EO/920

Charitta A. Burt, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3734



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674277	FRECHON	D
INTERNATIONAL APPLICATION NO.		
PCT/FR99/01000		

JACOBSON PRICE HOLMAN & STERN
THE JENIFER BUILDING
400 SEVENTH STREET N W
WASHINGTON, DC 20004 2201

I.A. FILING DATE	PRIORITY DATE
27 APR 99	28 APR 98

DATE MAILED:

23 MAY 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:**

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Charitta A. Burr, Paralegal
Telephone: 703-305-3734

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		JURY'S DOCKET NUMBER P66034US0
INTERNATIONAL APPLICATION NO. PCT/FR99/01000		US APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL FILING DATE 27 April 1999	PRIORITY DATE CLAIMED 28 April 1998	
TITLE OF INVENTION NUCLEOTIDE SEQUENCES FOR THE DETECTION OF ENTEROHAEMORRHAGIC ESCHERICHIA COLI (EHEC)		
APPLICANT(S) FOR DO/EO/US Dominique FRECHON, Françoise Claudine LAURE and Dominique THIERRY		

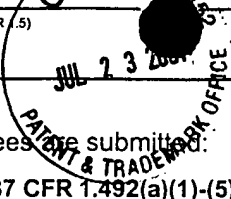
Applicant herein submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for Internatl. Preliminary Examination was made by the 19th month from earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the Internatl. Preliminary Examination report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

International Search Report (EPO)
 PCT Request Form
 PCT/IB/304 Form
 First Page of Publication
 International Preliminary Examination Report

US APPLICATION NO. (If known, see 37 CFR 1.55) <div style="text-align: center;">  </div>		INTERNATIONAL APPLICATION NO. PCT/FR99/01000		ATTORNEY'S DOCKET NUMBER P66034US0	
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17. <input checked="" type="checkbox"/> The following fees were submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Internatl. prelim. examination fee paid to USPTO (37 CFR 1.492 (a) (1)) . . . \$690.00 No international preliminary examination fee paid to USPTO (37 CFR 1.492 (a) (2)) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . \$710.00 Neither international preliminary examination fee (37 CFR 1.492 (a) (3)) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO) \$1000.00 International preliminary examination fee paid to USPTO (37 CFR 1.492 (a) (4)) and all claims satisfied provisions of PCT Article 33(2)-(4) \$100.00 Search Report prepared by the EPO or JPO (37 CFR 1.492 (a) (5)) \$860.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS		PTO USE ONLY	
				\$ 860.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00			
Claims	Number Filed	Number Extra	Rate				
Total Claims	1 - 20 =	-0-	x \$18.00	\$			
Independent Claims	1 - 3 =	-0-	x \$80.00	\$			
Multiple Dependent Claim(s) (if applicable)			+ \$270.00	\$			
TOTAL OF ABOVE CALCULATIONS =				\$ 990.00			
Reduction by 1/2 for filing by small entity , if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$			
SUBTOTAL =				\$ 990.00			
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$			
TOTAL NATIONAL FEE =				\$ 990.00			
Fee of \$40.00 for recording the enclosed assignment (37 CFR 1.21(h)). Assignment must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31).				\$			
TOTAL FEES ENCLOSED =				\$ 990.00			
				Amt. to be refunded:	\$		
				Amt. charged:	\$		

a. ☒ A check in the amount of \$ 990.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 06-1358 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge my account any additional fees set forth in §1.492 during the pendency of this application, or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO:

Jacobson, Price, Holman & Stern, PLLC
 400 7th Street, N.W., Suite 600
 Washington, DC 20004
 202-638-6666
CUSTOMER NUMBER: 00136

By _____

William E. Player
 Reg. No. 31,409

JPH&S 3/95

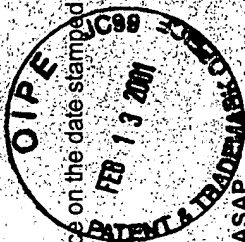
MAN

****BOX PCT****

**MISSING REQUIREMENTS OF APPLICATION
APPLICATION BRANCH**

Att'y Docket No.: P66034US0
Serial No.: 09/674,277
Applicant: FRECHON et al.
Filing Date: October 20, 2000

Today's Date: February 13, 2001



The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- X Transmittal of Missing Requirements
- X Combined Declaration, Power of Attorney
- X Assignment Document and Cover Letter

X Check No: 5158Z for \$40.00

DUE DATE: ASAP

JACOBSON, PRICE, HOLMAN & STERN, PLLC
400 SEVENTH STREET, NW
WASHINGTON, DC 20004

jrc



DATE	IN PAYMENT FOR				AMOUNT
07-13-01	FILING FEE	ASSIGNMENT FEE	40.00		40.00
	ISSUE FEE	APPEAL FEE			
	AMENDMENT	MISCELLANEOUS			
APPLICANT CARINE LAYOIX					
SER. No. MARK					
OUR FILE No. 10518 WRITER JRC					
CHARGE TO P66034050					

51587



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dominique T. M. FRECHON et al

Serial No.: 09/674,277

Filed: October 30, 2000

For NUCLEOTIDE SEQUENCES FOR THE DETECTION
OF ENTEROHAEMORRHAGIC ESCHERICHIA COLI (EHEC)

TRANSMITTAL OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

Attention: APPLICATION BRANCH
MISSING REQUIREMENTS OF APPLICATION

Sir:

With respect to the above-identified national phase application
filed October 30, 2001, the following are filed herewith:

- ☒ Declaration in compliance with 37 C.F.R. §1.63.
- ☒ Assignment document with Cover Sheet and \$40.00 fee for Recordation
of Assignment.
- ☒ If a Petition for Extension of time is necessary and the Petition
and/or the check is not enclosed, this will act as the Petition
and applicant herewith petitions the Commissioner to extend the
time for response and charge and fees necessary under 37 CFR 1.17
(a) - (d) to Deposit Account No. 06-1358. The Commissioner is
also authorized to charge payment of any other additional fees
associated with this communication or credit any overpayment to
Deposit Account No. 06-1358. A duplicate copy of this sheet is
enclosed.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By _____
William E. Player
Reg. No. 31,409

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

Atty. Docket: P66034US0
Date: February 13, 2001
WEP:jrc

****HAND CARRY** TO PCT WINDOW, CRYSTAL PLAZA II, 8TH FLOOR**

Atty Docket: P66034US0
Serial No.: New U.S. National Phase Application
Applicant: Dominique FRECHON et al.
Filing Date: October 30, 2000
Today's Date: October 30, 2000

09/674277

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- X Preliminary Amendment
- X International Search Report (EPO) (210)
- X Request (101)
- X PCT/IB/304 Form
- X First Page of Publ.
- X IPER (409)
- X 45 pg. Specif. with 1 claim and Abstract

Check for \$ 990.00 Check No. 50139

DUE DATE: October 28, 2000

JACOBSON, PRICE, HOLMAN & STERN, PLLC
400 SEVENTH STREET, NW
WASHINGTON, DC 20004

EARLY SERIAL NO. _____

crj

527 Rec'd PCT/PTC 30 OCT 2000

****HAND CARRY** TO PCT WINDOW, CRYSTAL PLAZA II, 8TH FLOOR**

Atty Docket: P66034US0
Serial No.: New U.S. National Phase Application
Applicant: Dominique FRECHON et al.
Filing Date: October 30, 2000
Today's Date: October 30, 2000

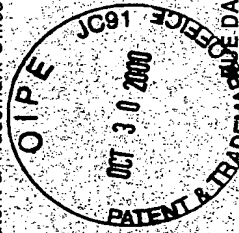
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- X Preliminary Amendment
- X International Search Report (EPO) (210)
- X Request (101)
- X PCT/IB/304 Form
- X First Page of Publ.
- X IPER (409)
- X 45 pg. Specif. with 1 claim and Abstract

Check for \$ 990.00 Check No. 50139

DUE DATE: October 28, 2000

JACOBSON, PRICE, HOLMAN & STERN, PLLC
400 SEVENTH STREET, NW
WASHINGTON, DC 20004



crj

DATE	IN PAYMENT FOR				AMOUNT
10-30-00	FILING FEE 990.00	ASSIGNMENT FEE			990.00
	ISSUE FEE	APPEAL FEE			
	AMENDMENT	MISCELLANEOUS			
	APPLICANT CABINET LAVOIX				
	SER. NO.	MARK			
	OUR FILE NO. 10518 WRITER CRJ				
	CHARGE TO P66034US0				

P.O. 50139

